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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/649,861	08/28/2003	Alan R. Zebedee	95-218	6365
20736	7590 11/23/2004	•	EXAMINER	
MANELLI DENISON & SELTER 2000 M STREET NW SUITE 700			MAH, CHUCK Y	
	ON, DC 20036-3307		ART UNIT PAPER NUMBER 3676	
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DATE MAILED: 11/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

		Application No.	Applicant(s)			
		10/649,861	ZEBEDEE, ALAN R.			
	Office Action Summary	Examiner	Art Unit	1,1		
		Chuck Mah	3676	W		
Period fo	The MAILING DATE of this communication apor Reply	opears on the cover sheet with the o	correspondence addre	ess -		
THE - Exte after - If the - If NO - Failu Any	ORTENED STATUTORY PERIOD FOR REPI MAILING DATE OF THIS COMMUNICATION nsions of time may be available under the provisions of 37 CFR 1 SIX (6) MONTHS from the mailing date of this communication. It period for reply specified above is less than thirty (30) days, a repoper of the property of the period for reply is specified above, the maximum statutory period reply within the set or extended period for reply will, by staturely received by the Office later than three months after the mailing ed patent term adjustment. See 37 CFR 1.704(b).		mely filed ys will be considered timely. the mailing date of this comm ED (35 U.S.C. § 133).	unication.		
Status						
1)	Responsive to communication(s) filed on	·				
	· · · · · · · · · · · · · · · · · · ·	is action is non-final.				
3)□						
Dispositi	ion of Claims					
4)⊠ 5)□ 6)⊠ 7)⊠	Claim(s) <u>1-15</u> is/are pending in the applicatio 4a) Of the above claim(s) is/are withdra Claim(s) is/are allowed. Claim(s) <u>1,2,6-13 and 15</u> is/are rejected. Claim(s) <u>3-5 and 14</u> is/are objected to. Claim(s) are subject to restriction and/	awn from consideration.		·		
Applicati	ion Papers					
9)[The specification is objected to by the Examin	ner.				
	The drawing(s) filed on is/are: a) ac		Examiner.			
	Applicant may not request that any objection to the	-				
	Replacement drawing sheet(s) including the corre	ction is required if the drawing(s) is ob	jected to. See 37 CFR	1.121(d).		
11)	The oath or declaration is objected to by the E	Examiner. Note the attached Office	Action or form PTO-	152.		
Priority u	under 35 U.S.C. § 119					
a)[Acknowledgment is made of a claim for foreig All b) Some * c) None of: 1. Certified copies of the priority document 2. Certified copies of the priority document 3. Copies of the certified copies of the priority document application from the International Bureation attached detailed Office action for a list	nts have been received. Its have been received in Applicationity documents have been received in the control of the control o	ion No ed in this National Sta	nge		
Attachment		_				
	e of References Cited (PTO-892) e of Draftsperson's Patent Drawing Review (PTO-948)	4) 🔲 Interview Summary Paper No(s)/Mail Da	(PTO-413) ate			
3) 🔯 Inform	nation Disclosure Statement(s) (PTO-1449 or PTO/SB/08 r No(s)/Mail Date	5) Notice of Informal P 6) Other:	Patent Application (PTO-152	2).		

Application/Control Number: 10/649,861

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DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

- (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
- 2. Claims 1, 2, 7-10 and 13 are rejected under 35 U.S.C. 102(b) as being anticipated by **CH 656178 A5**. '178 **A5** shows a first elongate member (1), a keyway (where end 6 is inserted), a second member (5), a key member (6) within the slot enabling adjustment radially, a second elongate member (2) having an axial opening (inherent structure for receiving pin 11), and stop means (28) to limit the depth of the key in the slot.

Claim Rejections - 35 USC § 103

- 3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:
 - (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.
- 4. Claims 6, 11, 12 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over **CH 656178 A5**.
- '178 A5 discloses the invention as claimed but for the second element in form of a threaded member. It would have been an obvious matter of design choice to make

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the different portions of the attachment portion of the second element in form of a threaded member or whatever form or shape was desired or expedient. A change in form or shape is generally recognized as being within the level of ordinary skill in the art, absent any showing of unexpected results. *In re Dailey et al., 149 USPQ 47.*

As to claims 11 and 12, it would have been obvious to use the hinge of '178 A5 to attach any door such as a vehicle door, a vehicle window, a hatchback, a box a cabinet, a refrigerator etc., to enhance the adjustability of the hinge, as taught by '178 A5.

Allowable Subject Matter

5. Claims 3-5 and 14 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chuck Mah whose telephone number is (703) 308-0676. The examiner can normally be reached on 5/4-9.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather Shackelford can be reached on (703) 308-2978. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Chuck Mah Primary Fxar

Primary Examiner Art Unit 3676

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